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| 10/827,255  | 04/20/2004  | Yukiyoichi Hikichi   | 03500.017678.       | 2391             |
| 5514 7590 06/15/2010<br>FITZPATRICK CELLA HARPER & SCINTO<br>1290 Avenue of the Americas<br>NEW YORK, NY 10104-3800 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| RILEY, MARCUS T   |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/827,255

**Applicant(s)**

HIKICHI ET AL.

**Examiner**

MARCUS T. RILEY

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2, 5, 6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7, 9 & 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date 10/29/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Response to Amendment

1. This office action is responsive to applicant's remarks received on March 22, 2010. **Claims 1, 3, 4, 7, 9 and newly added claim 10** are pending. **Claims 2, 5, 6 & 8** have been cancelled.

### Response to Arguments

2. Applicant's arguments with respect to amended **claims 1, 5 & 7-9**, filed on March 22, 2010 have been fully considered but they are not persuasive.

### Applicant's Arguments

For Applicant's remarks see "*Applicant Arguments/Remarks Made in an Amendment*" filed March 22, 2010.

### Examiner's Response

Applicant argues that the applied art is not seen to disclose or suggest (i) inputting user authentication information, (ii) determining a range of image information to be printed based on the user authentication information, and (iii) printing an image based on the determined range of image information.

Examiner understands Applicant's argument but respectfully disagrees. Petteruti discloses, teaches or suggests. Petteruti at Step 54 and column 4, line 33 thru Column 5, line 3 discloses inputting user authentication information. At Step 54, the printer determines whether

the commands and data are valid. Validity may include a command such as an id number. Petteruti at column 4, lines 33-67 thru column 5, lines 1-26 discloses determining a range of image information to be printed based on the user authentication information. Here, Petteruti explains where a range of content is read and where the content to be printed and where the information in the storage is varied by the name, description, weight or ID number. The portable printer reads the data to verify whether the commands are valid. Validity may include whether the printer 10 is associated with an address or printer-type specified in the command, and whether the command is one of a set of valid commands. Petteruti discloses printing an image based on the determined range of image information at Column 4, line 33-67. For example, the host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 at step 52. The controller 34 then specifies commands such as an id number and determines whether the commands and data are valid at step 54 and prints the information at Step 60. Thus, Petteruti discloses, teaches or suggests Applicant's invention. The other claims in the application are each dependent from the independent claims and are also not allowable over the applied references for at least the same reasons. As a result, Applicant's application is not in condition for allowance.

**Claim Rejections - 35 USC § 101**

*(The previous claim rejection is withdrawn in light of the applicant's amendments.)*

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claims 1, 3, 4, 7, 9 & 10** are rejected under 35 U.S.C. 102(c) as being anticipated by Petteruti et al. (US 6,409,401 hereinafter, Petteruti '401).

**Regarding claim 1;** Petteruti '401 discloses an image processing apparatus (Fig. 1, Printer 10) comprising:

an input unit (Fig. 2, Host Terminal 52) which inputs image information including first image information to be printed on a recording medium (i.e. The host terminal sends to the printer 10 commands and data that directs the printer controller 34 to print on media using the print mechanism 36. Column 4, lines 40-45);

and second image information to be stored in a storage device (Fig. 1B, RFID encoder) which is attached to the recording medium (Fig. 1B, RFID Media 16 i.e. The portable printer of the present invention has a printer mechanism for printing on media and a RFID encoder for encoding information onto RFID circuits attached, or bonded, to the media to provide integrated RFID media. Column 1, line 63 thru column 2, line 24);

a printer (Fig 1, Printer 10) which prints an image on the recording medium to which the storage device is attached wherein the image is based on the first image information (i.e. The portable

printer is used for printing on media and encoding RFID circuits coupled to such media in which the information printed on the media can be related to the information encoded. Column 1, line 66 thru column 2, line 3);

a writing unit (Fig 2, RFID (read/write) encoder 22) which writes the second image information to the storage device attached to the recording medium (i.e. The RFID encoder 22 operates in accordance with programmed microprocessor controller 34 (FIG. 2) on the printed circuit board 24 to write data onto the RFID circuit. Column 3, lines 21-30);

a controller (Fig 2, Microprocessor Controller 34) which controls said printer (i.e. The printer control has a microprocessor controller 34 for controlling the print head 18 and actuating motor 21 to drive media 16 across the print head 18. Column 2, lines 50-55);

to print the image based on the first image information on the recording medium (i.e. The controller 34 operates the RFID encoder 22 to store digital information or data which may be printed by the print head 18 upon the same part of the media having the RFID circuit. Column 3, lines 44-52);

and controls said writing unit to write the second image information to the storage device along with authentication information corresponding to each of a plurality of levels, wherein a range of second image information that is printable differs at each level (The RFID encoder 22 operates to write data onto the RFID circuit 16 and store digital information or data which may be printed by the print head 18. The controller 34 operates the RFID encoder 22 to store digital information or data, which may be related to information printed by the print head 18 upon the same part of the media having the RFID circuit. When such media represents labels to be applied to products, the information stored in the RFID circuit may represent an identifier(s) or characters defining the product, barcode or other identifying data. Column 3, lines 20-52);

a reading unit (Fig 2, RFID (read/write) encoder 22) which reads the second image information stored in the storage device attached to the recording medium (Fig. 3, Step 62 i.e. Using the encoder 22, the controller 34 next reads the RFID circuit to verify that the tag was encoded with the data at step 62. Column 5, lines 4-25 and Column 3, lines 20-52);

a user authentication information input unit which inputs user authentication information (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print

mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands, such as an id number, as and determines whether the commands and data are valid at step 54. Column 4, line 33-67);

determines a range of the second information to be printed based the authentication information stored in the storage device and the user authentication information input by said authentication information input unit, and controls said printer to print an image based on the determined range of the second image information (i.e. The host terminal or computer sends to the printer 10 and directs the printer controller 34 to print on media using the print mechanism 36 or to encode or read an RFID circuit 16a on media 16 at step 52. The controller 34 then specifies commands such as an id number and determines whether the commands and data are valid at step 54. Column 4, line 33-67).

**Regarding claim 3;** Petteruti '401 discloses a display unit (Fig. 2, Display Unit 28) which displays an image based on the second image information stored in the storage medium (i.e. Display unit 28 displays image information stored in the storage medium. Column 4, lines 7-32).

**Regarding claim 4;** Petteruti '401 discloses an instruction unit (Fig 2, Part of the Controller 34 – Not shown.) which instructs said printer to perform printing based on the content image displayed by said display unit (i.e. Fig. 2 shows where the display is coupled to input/output ports of the controller 34 wherein the controller instructs the printer to print and the information may be displayed on display #28. Column 4, lines 7-32).

**Regarding claims 7, 9 & 10;** Claims 7, 9 & 10 contain substantially similar features as that of claim 1. Thus, claims 7, 9 & 10 are rejected on the same ground as claim 1. Petteruti '401 also discloses a computer readable program, stored in a computer-readable storage medium (i.e. Fig. 3 is a flowchart that shows the RFID encoding program (software) for the printer 10 wherein the program may be stored in memory of the controller 34, such as SRAM, FLASH, or external memory 37. Column 2, lines 4-8).

**Conclusion**

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley  
Assistant Examiner  
Art Unit 2625

/MARCUS T. RILEY/  
Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625